

NIXON PEABODY LLP
100 Summer Street
Boston, Massachusetts 02110

Attorney's Docket No. 700355-052696

Page 1 of 4

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed at 201) below or an original, first and joint inventor (if plural names are listed at 201-208 below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ELECTRO-OPTICAL NUCLEIC ACID-BASED SENSOR ARRAY AND METHOD FOR DETECTING ANALYTES

which is described and claimed in:

- ☐ the specification attached hereto.
- ☐ the specification in U.S. Application Serial Number _____ filed on _____;
- × the specification in PCT International Application Number PCT/US2003/038186 filed on November 25, 2003;
- × I have reviewed the preliminary amendment filed May 20 2005.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign/PCT Applications and Any Priority Claims Under 35 U.S.C. §119:			
Application No.	<u>Filing Date</u>	<u>Country</u>	Priority Claimed under 35 U.S.C. §119?
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

- 2 -

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 CFR § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Applications or PCT International Applications Designating the U.S-Benefit under 35 U.S.C. § 120					
U.S. Applications			Status (Check One)		
Application Serial No.	U.S. Filing Date	Patented	Pending	Abandoned	
10/303,548	25 Nov 2002		X		
10/535,748	May 20 2005		X		
PCT Applications Designating the U.S.					
Application No.	Filing Date	U.S. Serial No. Assigned			
PCT/US2003/03818	25 Nov			X	

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>Applicant</u>	<u>Provisional Application Number</u>	<u>Filing Date</u>
White et al.	60/428,869	25 Nov 2002

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) with full powers of association, substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Ronald I. Eisenstein (Reg. No. 30,628)
Nicole L.M. Valtz (Reg. No. 47,150)
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SEND CORRESPONDENCE TO: David S. Resnick NIXON PEABODY LLP 100 Summer Street Boston, Massachusetts 02110	DIRECT TELEPHONE CALLS TO: David S. Resnick (617) 345-6057
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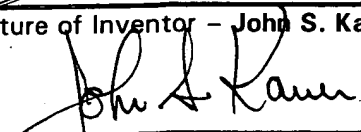
10

201	FULL NAME OF INVENTOR	LAST NAME White	FIRST NAME Joel	MIDDLE NAME E.
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202

202	FULL NAME OF INVENTOR	LAST NAME Kauer	FIRST NAME John	MIDDLE NAME S.
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I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature of Inventor - Joel E. White - 201 	Date: 9/9/05
Signature of Inventor - John S. Kauer - 202 	Date: 9/6/05

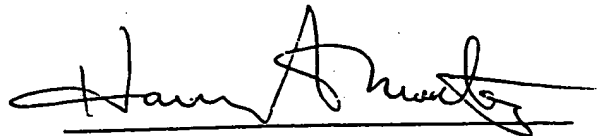
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 11.9(b)

Leena H. Karttunen is hereby given limited recognition under 37 CFR § 11.9(b), as an employee of the law firm of Nixon Peabody LLP, to prepare and prosecute patent applications wherein the patent applicant is a client of the law firm of Nixon Peabody LLP, and a registered practitioner, who is a member of the law firm of Nixon Peabody LLP, is the practitioner of record in the applications. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Leena H. Karttunen ceases to lawfully reside in the United States, (ii) Leena H. Karttunen's employment with the law firm of Nixon Peabody LLP, ceases or is terminated, or (iii) Leena H. Karttunen ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such limited recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Limited Recognition No. L0207
Expires: September 30, 2005



Harry I. Moatz
Director of Enrollment and Discipline